



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, DC 20580

Office of the General Counsel

September 6, 2024

Molly C. Dwyer
Clerk of Court
United States Court of Appeals For the Ninth Circuit
95 Seventh Street
San Francisco, CA 94103-1526

Re: *FTC, et al. v. Amazon.com, Inc. v. American Booksellers Assn., Inc.* (“ABA”) (No. 24-3835)

Dear Ms. Dwyer:

I write in response to the letter from the American Booksellers Association (“ABA”) of August 26, 2024, citing two state court decisions as supplemental authorities. These decisions are irrelevant to this case because neither considers any aspect of the standard for intervention under Fed. R. Civ. P. 24.

In *District of Columbia v. Amazon.com, Inc.*, __ A.3d __, 2024 WL 3893698, at *1 (D.C. Aug. 22, 2024), the court held that the District of Columbia had pleaded sufficient facts to state antitrust claims against Amazon. Contrary to the ABA’s assertion, Dkt. 40.1 at 2, this decision has no bearing on whether the claims the ABA seeks to assert here are sufficiently related to the government’s claims to justify intervention under Rule 24. See Dkt. 29.1 at 17 (government’s brief explaining that “the ABA’s claim is actually quite different from the government’s claim”).

Greenberg v. Amazon.com, Inc., __ P.3d __, 2024 WL 3711070 (Aug. 8, 2024) is even further afield. As the ABA’s letter recognizes, that case concerned allegations that Amazon engaged in price gouging for certain products during the COVID-19 pandemic. See Dkt. 40.1 at 2. It has no relevance to whether the ABA may intervene in this case, which is about Amazon’s monopolistic practices in the online superstore and online marketplace services markets.



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Respectfully submitted,

/s/ Benjamin F. Aiken

Benjamin F. Aiken
Counsel for Plaintiffs-Appellees